

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRIMINAL MISC. PETITION NO. 231 OF 2014

Amar Singh Rajput, S/o Late Shri Hanuman Singh Rajput, aged about 40 years, R/o Village Joshilmati, Police Station Gendatola, Tahsil Dongargaon, Civil and Revenue District Rajnandgaon (C.G.)

... Petitioner

Versus

1. Manrakhan Rajput, S/o Jagdev Singh, aged about 52 years, R/o Village Pangarikala, Police Station and Tahsil Dongargaon, Civil and Revenue District Rajnandgaon (C.G.)
2. Bhagwan Singh Rajput, S/o Tulsiram, aged about 45 years, R/o Village Darri, Police Station and Tahsil Dongargaon, Civil and Revenue District Rajnandgaon (C.G.)
3. Brij Singh Rajput, S/o Kirorimal, aged about 55 years, R/o near Bijli Office, Nandgaon Road, Dongargaon, Police Station and Tahsil Dongargaon, Civil and Revenue District Rajnandgaon (C.G.)
4. Shyam Singh Rajput, S/o Bhure Singh, aged about 50 years, R/o Cinema Line Dongargaon, Police Station and Tahsil Dongargaon, Civil and Revenue District Rajnandgaon (C.G.)

... Respondents

For Petitioner	:	Mr. R.K. Sharma, Advocate.
For Respondents	:	Mr. M.K. Bhaduri, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09/02/2017

1. The present petition under Section 482 of CrPC has been filed by the Petitioner assailing the order dated 4.7.2013 passed by the Sessions Judge, Rajnandgaon, in Criminal Revision No. 12 of 2012.
2. Vide impugned order dated 4.7.2013, the Revisional Court has upheld the order dated 6.2.2012 passed by the Judicial Magistrate First Class, Rajnandgaon, in an unregistered complaint, whereby the Magistrate Court has refused to register the complaint of the Petitioner and rejected the same.
3. It was alleged by the Petitioner on the complaint that his father had died on 3.12.2000 and one Kundan Singh had attended the funeral ceremony who is the person who has been barred by the Panchayat from associating with any of the villagers in the village. Subsequently, the Panchayat is said to have

held a meeting on 5.12.2010 and ordered the Petitioner to pay an amount of Rs.21,000/-. In addition, it was also ordered that the Petitioner shall arrange for a feast for the villagers on 20.12.2010.

4. According to the Petitioner, he has abided by both the said conditions of the Panchayat, by paying Rs.21,000/- and subsequently also arranging the feast on 20.12.2010. Subsequently, the Petitioner lodged a complaint before the police authorities alleging that action on the part of the Respondents is one which falls under the definition of extortion. The police authorities refused to register an FIR on the ground that the Petitioner has not produced sufficient material to establish that he had paid an amount of Rs.21,000/- to the Respondents, neither could he produce the statement of the said Kundan Singh to support his complaint.

5. Subsequently, a complaint was filed by the Petitioner under Section 200 of CrPC before the Magistrate Court, which got rejected on 6.2.2012, holding that no sufficient ground prima facie has been established by the Petitioner to substantiate the offence which is alleged to have committed by the Respondents. The said order of the Magistrate was subjected to challenge before the Revisional Court.

6. The Revisional Court also vide impugned order dated 4.7.2013, rejected the revision, holding that no sufficient proof has been adduced by the Petitioner to establish that he has in fact paid an amount of Rs.21,000/- to the Panchayat, in addition, no receipt or any documentary proof was also available in this regard which would have prima facie substantiated the allegation which has been levelled by the Petitioner.

7. Having considered the contention put forth by the Counsel for the Petitioner where he fairly submits that the Petitioner does not have any proof in respect of payment of Rs.21,000/- which he has allegedly paid to the Respondents. Neither is there any order for payment of Rs.21,000/- nor is

there any proof of the amount having been paid to the Respondents. In addition, the contention of the Petitioner has not been supported by any independent witness, which could have substantiated the contention of the Petitioner. In the absence of either of the two, the rejection of the complaint by the Magistrate Court as also by the Revisional Court cannot be said to be either bad in law nor can it be said to be suffered from any infirmity.

8. Thus, in the opinion of this Court, no strong case has been made out by the Petitioner for interfering with the impugned orders. Accordingly, the present Criminal Misc. Petition being bereft of merits the same is dismissed.

Sd/-
(P. Sam Koshy)
Judge